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C O N F I D E N T I A L SECTION 01 OF 03 MEXICO 003183

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DEPARTMENT FOR INL

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SUBJECT: MEXICO'S SECURITY REFORM MOVING AHEAD IN FITS AND
STARTS

REF: A. MEXICO 002669

[1](#)B. MEXICO 003099

Classified By: Political Minister Counselor Charles V. Barclay.
Reason: 1.4 (b), (d).

[1](#)1. (C) Summary. Mexican President Calderon has submitted to congress a series of proposals to improve government performance on security matters, the most significant of which probably are police reorganization, reform of the Attorney General's Office, and the renovation of a National System for Public Security. These measures are intended to move forward the implementation of constitutional reforms passed in June and to comply with the August 75 point security pact. Opposition parties have responded with their own proposals. With only about a month and a half remaining before the close of this legislative session on December 15, many observers are pessimistic that the bills will be passed in this session. A failure to meet the December 15 deadline will hurt Calderon, regardless of who is to blame, and will make sustaining momentum in the war on crime more difficult. These reforms are essential to continued progress in judicial and police restructuring. End Summary.

Keeping Promises

[1](#)2. (SBU) Calderon submitted to congress in late September and October a series of proposals geared toward improving government performance on security matters. The majority of the proposals are part of the set of secondary legislation congress needs to pass in order to establish the terms--such as budget and management--necessary to set into motion the police and legal constitutional reforms passed in June. The Mexican government is also looking to comply with the timeframes established by the 75-point security accord signed in August, which includes a series of deadlines intended to commit congress and the executive to accomplishing a variety of tasks (ref a). Calderon has presented laws to create a national public security system, to regulate the federal police, to normalize the relationship between the Public Ministry and the police, create laws permitting for asset forfeiture, crack down on drug dealing, make changes to the penal code and procedures, and reform the law against organized crime. Congress is supposed to vote on these measures by the end of this legislative session on December 15, as well as develop and vote on a kidnapping law by the same date.

Calderon's Proposals

[1](#)3. (SBU) The Calderon administration and the PAN party have

presented legislative proposals covering the aforementioned topics, ranging from police reorganization to new anti-kidnapping laws. Some of the key measures include:

--POLICE REORGANIZATION. Calderon submitted on October 21 the Law of the Federal Police that intends to replace the Federal Preventive Police (PFP) with a new organization that would fall under the Public Security Secretariat and be called the Federal Police. This transition has already been in process for some time, but Calderon's bill seeks to establish formal regulations for the new entity and better define its relationship with other government organizations, including the Public Ministry. The proposal would also accede to the new police force the authority to investigate criminal activities akin to the U.S. criminal justice system, making the PGR's Federal Investigative Agency (AFI) obsolete.

Most of AFI operations are supposed to move to the new organization. Furthermore, the initiative establishes guidelines for the professionalization and development of career paths for police officers. Calderon admitted that the PFP has not performed up to standards due to gaps in previous police reform measures, thus necessitating these new efforts.

--PGR REFORM. Along with the police reform bill, Calderon also sent to congress a proposal to boost the Federal Public Ministry's ability to investigate various crimes, receive anonymous tips on crime, seize assets of organized criminals, and mandate measures be taken to protect crime victims. The law seeks to encourage better cooperation and coordination among its various components, as well as to establish higher standards for PGR employees by strengthening selection,

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hiring, and training processes.

----NATIONAL SYSTEM FOR PUBLIC SECURITY. Calderon's proposal for a new national public security system, sent to congress on September 30, calls for the creation of a national database on criminal activity, the strengthening and standardizing of police training, and the development of a system of controls to ensure police officers meet minimum quality and anti-corruption requirements. The bill also looks to ensure greater coordination between federal, state, and local police forces, and creates a new department to oversee anti-corruption efforts in the police.

--ASSET FORFEITURE. As a follow-up to the judicial reform bill signed by the president in June, the executive has proposed legislation outlining regulations to enhance the ability of the government to deprive criminal organizations of their ill-gotten gains. The "extincion de dominio" law, which is modeled after Colombia's law of the same name, will allow for the judicial forfeiture of illicit assets without the need for a criminal conviction of a person (much like the U.S. civil forfeiture process).

--NARCOMENUDEO. President Calderon submitted to the Senate on October 2 proposed reforms to the General Law of Health, the Federal Penal Code, and the Federal Code for Penal Proceedings related to narcomenudeo, or drug consumption and small-time drug dealing. The legislative package includes a variety of provisions, including measures intended to increase coordination between local and federal law enforcement elements investigating specific drug offenses and giving states the ability to try drug dealers in local courts. The law establishes increased penalties for those engaged in small-scale sale and distribution of narcotics, as well as a measure to send individuals possessing small quantities of drugs to treatment centers rather than prisons (ref b).

Opposition Proposals

14. (C) Opposition political parties have written their own counterproposals to Calderon's, some of which will require

more negotiation than others. President of the Chamber of Deputies, Cesar Duarte, told poloffs on October 23 that while congress has not been focused on security issues due to the pressures of passing energy reform measures, PRI has identified a number of points of disagreement with the executive. He noted that PRI opposes Calderon's proposal for a "national police," but appeared to be unclear as to what the GOM's bill actually contains. He said the party does not take issue with folding together federal level police forces, namely AFI and PFP, and appeared to interpret the creation of a federal police as unifying all police forces in the country from the municipal to national level.

15. (C) PRI also differs significantly on the GOM's proposal for a new national system for public security. While both parties share a similar goal--increasing the coordination between and the efficiency of all police forces--PRI's bill requires a constitutional change that would mandate such cooperation. Technical Secretary to the Constitutional Issues Committee Sharon Cuenca told poloff on October 21 that PRI's proposal is stronger than PAN's in that it establishes the mechanism to make communication and cooperation a requirement. PAN, on the other hand, has argued that a constitutional change is not required. On the narcomenudeo legislation, PRI has been relatively quiet, but Cuenca said that it appears PRI is far more comfortable with Calderon's proposal than it is with PRD's argument that the quantities of drugs be increased or that some drugs be legalized. Other items of legislation will engender less debate amongst the parties, according to Cuenca, such as some penal code and anti-kidnapping laws that require compromise on simpler issues such as prison sentences.

Status in Congress

16. (C) With only about a month and a half remaining before the close of this legislative session on December 15, many observers are pessimistic that the bills will quickly be passed. Legislative analyst Marco Perafan told poloff on October 24 that he expects the more minor legislation, such

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as penal reform, anti-kidnapping measures, and perhaps narcomenudeo, to pass this session. He is less sanguine about the prospects of the three items he identified as most significant--Calderon's recently submitted police and PGR reform and the PRI's National Public Security system proposal. Perfan noted that even after the congress finishes with energy reform, it will be consumed by budget negotiations during the following two weeks, leaving little time for the complex negotiations that the aforementioned proposals are likely to entail. Cuenca told poloff that discussion of the asset forfeiture regulations is quite advanced and that the bill probably will pass once energy reform has been concluded.

Comment

17. (C) Congress may be hard-pressed to pass the required and necessary bills by the December 15 deadline with energy reform and budget debates complicating the agenda. A failure to meet the December 15 deadline will hurt Calderon, regardless of who is to blame, and will make sustaining momentum in the war on crime more difficult, particularly as measures that carry over into the next legislative session may face an even more hardened congress as parties gear up for the 2009 legislative and gubernatorial elections. These reforms are essential to continued progress in judicial and police restructuring.
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